



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner Expresses Concern Over Federal Sentencing Practices Detailed in New Report

Sensenbrenner: Post-Booker “The Data Is Now In and the Picture Is Not Pretty.”

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) issued the following statement in response to the release today of the United States Sentencing Commission’s *Report on the Impact of United States v. Booker on Federal Sentencing*.

“I want to commend the United States Sentencing Commission for its detailed and thorough report on the impact that the Supreme Court’s decision in *United States v. Booker* has had on sentencing of Federal defendants. Last year, I stated that the Judiciary Committee would take no action in response to the Supreme Court’s decision, but would evaluate this issue one year later after there was sufficient experience with the “advisory” guideline system.

“The data is now in and the picture is not pretty. The Sentencing Commission’s report shows that unrestrained judicial discretion has undermined the very purposes of the Sentencing Reform Act, and jeopardized the basic precept of our federal court system that all defendants should be treated equally under the law.

“The PROTECT Act enacted in 2003 ensured that appropriate sentences would be administered to sex offenders, pedophiles, child pornographers, and those who prey on our children. Thus, I am troubled that the Commission’s Report shows that these fundamental sentencing reforms have been effectively eliminated. That is neither good nor acceptable for justice and public safety.

“While the overall average sentence length increased after the *Booker* decision, such an

increase reflects the fact that Congress amended numerous criminal statutes, thereby increasing the applicable sentencing range for crimes such as identity theft, terrorism, cybercrime, and sex offenses. Even with these increased guideline ranges, the sentencing data shows that Federal judges have not embraced, and in many cases, have undermined, Congress' specific intent in these areas.

“In response to the problems described in this report, the Judiciary Committee intends to pursue legislative solutions to restore America’s confidence in a fair and equal federal criminal justice system. I look forward to working with the Sentencing Commission, the Justice Department, and others to bring together a practical and effective solution to this problem.”

The Sentencing Commission’s report shows that in the last year there has been a:

- **Six-fold increase in below guideline range sentences** for defendants convicted of sexual abuse of a minor;
- **Five-fold increase in below guideline range sentences** for defendants convicted of sexual exploitation of a child;
- **Fifty percent increase in below guideline range sentences** for defendants convicted of sexual contact of a minor, trafficking in child pornography and possession of child pornography.

Aside from these troubling facts, today’s report reveals that:

- The number of below-guideline sentences have increased for drug traffickers (powder cocaine, crack cocaine, heroin, marijuana and methamphetamine), and for career offenders (those convicted of two prior felony crimes of violence or drug trafficking offenses); and
- Disparate sentencing practices have occurred, depending on the judicial circuit in which the case is prosecuted.

The House Judiciary Crime, Terrorism, and Homeland Security Subcommittee is holding a hearing Thursday at 10:30 a.m. in room 2141 of the Rayburn Building on this report. The hearing is entitled “*U.S. v. Booker*: One Year Later – Chaos or Status Quo?”

The Sentencing Commission’s report is available at http://www.ussc.gov/booker_report/Booker_Report.pdf.

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